

# *Garbage Haulers for Citizen Choice*

## **New Hope City Council Meeting Organized Garbage Collection October 16, 2017**

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**Present:** Mayor Kathi Hemken (2009-2020)  
Council Member Andy Hoffe (2005-2020)  
Council Member Eric Lammale (2009-2020)  
Council Member Jonathan London (2015-2018)  
City Manager Kirk McDonald  
Community Development Assistant, Jeff Alger

**Absent:** Council Member John Elder (2009-2018)

### **Mayor Hemken**

. . . when I started collecting [inaudible].

### **City Manager McDonald**

Okay, so this is just following up on the action I was [inaudible], so [inaudible] garbage collection all summer. And the at the September 25th meeting, we thought the majority of you were going to vote to keep the system the way it was, and at the September 25<sup>th</sup> meeting, a motion was passed to enable the matter and to do more research on it. So we tried to paraphrase the questions that you asked and the research that you wanted us to do — the costs, the setup costs to administer, how would administrative work, the billing costs, the yard waste options, putting the service on hold, who would handle complaints, who would do the billing, all of that.

So to be honest with you, I'm not quite sure how we're supposed to get the answers to all of that before we get the garbage haulers in the room, and so we're certainly willing to do that. There's a specific process to follow in the state statute that the City Attorney pointed out to us, so — but do you want us to take that step or not? I guess that's my question. So the first step would be to give notice to the garbage haulers that the City is considering an organized garbage collection. It doesn't mean that we're doing it. It means that we're considering it.

And then the second step would be passing a motion starting a 60-day negotiation period, where we actually have the garbage haulers in the room, involve them in the process, and give them a chance to try to work something out. So, I guess, that's what I'm asking you, and I'm not sure that we need to be in a hurry to do it. It's going to take a lot of time on staff's part. The City of St. Anthony spent a lot of time and a lot of meetings, and I'm going to need some support from our City Attorney and staff, but we're certainly willing to do that if you want to. I don't know if

we're really going to know the answer to whether residents could save money or not until somebody presents us with some proposals.

**Mayor Hemken**

You know, we had a lot of questions at our last meeting, and it was obvious to me that we didn't have the answers — we didn't, and staff didn't have the quick answers for us, and so I went back to Kirk with that — with the questions and said, "How do we get these answers?" And so this was how we get the answers, by calling those — all the collectors in the City. There were an awful lot of people that called me, anyway, who were under the impression that we were going to fire all the current haulers we had and just hire one, and they'd do whatever they darn well pleased. So I spent a lot of time trying to explain to people what the thoughts were behind all this and the benefits, quite frankly, to the haulers, but now they only have to do a small piece instead of this whole great big piece. So that's where this all came from. Andy?

**Council Member Hoffe**

I would like to postpone this till Elder can be here.

**Mayor Hemken**

Till what?

**Council Member Hoffe**

Till John Elder can be here at the next meeting or the next work session.

**Mayor Hemken**

Well, what, I think, Kirk is saying is this is going to take a long time —

**City Manager McDonald**

Right.

**Mayor Hemken**

— to get this, and we've really — right now, we've got a lot going on in the City with the bonding and the new City Hall and the pool, and his thoughts were if he's going to be able to spend the considerable time that he needs to spend on this, we need to wait till at least after the first of the year.

**City Manager McDonald**

We would come back to you with a timeline, so —

**Council Member Hoffe**

Sure, I agree with that.

**City Manager McDonald**

So, I mean, the process is even if you did the 60-day negotiation period and met with the garbage haulers, at the end of 60 days, there's really three options. You can either take them up

on their plan, you could form a committee, or you could say, “You know what, we’re not interested at all.” Isn’t that right, something like that?

**City Attorney**

That’s correct, and the City Manager is right in the respect of saying that to get them — to get answers to your questions concerning all of the questions that were raised at the last Council Meeting, even — you would need to — you would have to start the process of going forward towards organized collection. So even though the language is you’re considering it, you’re not going to get the answers to your questions unless your consideration is a very strong consideration for organized collection, because you’re asking — you’re basically saying to the haulers, after we give them notice and after we give the citizens notice, that we want to see your proposal during the 60-day negotiation period and how you would basically form your collective or however you — whatever you want to refer to it as, to pick up garbage in the city.

Now, we want to know, you know, what you would — you know, how — what you would bill out, how the city would be divided, how many garbage haulers there would be, what your rates are going to be, how you’re going to handle the billings, and are we going to go down the St. Anthony model, which is very little staff time, from what I’m hearing, versus — and I’ll just compare it — the Robbinsdale model, where they’ve dedicated a staff person at 20 hours a week, if I recollect Jeff’s comments about that. So those are the kinds of questions that need to be answered by the haulers. Just having staff make inquiries, you’re just going to get information that’s really not going to be very credible or very reliable.

**Community Development Assistant Alger**

Yeah, there’s no incentive or reason for the haulers to negotiate unless the City is seriously considering implementing a system. That’s going to be a lot of their time and a lot of staff time, and they have no reason to devote that many hours to something that they don’t believe would move forward.

**Mayor Hemken**

Jonathan?

**Council Member London**

I think what we have to do — we’re not an island, right? I mean, this is not a one-off exercise. It’s been done many times throughout the United States and around our state, so, you know, I think that it’s somewhat — we can sit and play stupid if we want, right, the politicians here or the leadership, the staff, we can all play silly like we don’t know what to do, and we can just take all the time we want to delay it until it’s election season, right? That’s how I kind of feel like it’s being done.

Or we can, you know, look at what other cities have done. You’ve got cities that have successfully implemented this, and you’ve got cities that haven’t. And the answers are all out there. You start with the tipping charges, okay? You go, and you say, “What’s your tipping charges? How much do you collect? What are your numbers?” It doesn’t take more than a half

an hour to pull that out, believe me. Get ahold of the accountants, get the numbers. They'll probably give you fictitious information. Request — you know, make some comparisons. There's guides at the Hennepin County Waste Center, you can call the tipping places. There's all kinds of information out there that we can put together to come in and negotiate.

And to say, you know, it's going to be all kinds of time, I'll sit down and guide the process. I mean, really, it's not a lot. It really isn't. You have to ask the right questions to get the right information, and if you ask the right questions, sure, they — like Jeff said, they make their — there's no incentive other than what the Mayor says. It's actually more efficient for the haulers, right? If they're going to maintain — and some of them have lost — you know, it's unfortunate, by sitting and playing the game that we have, they — some haulers have lost business, because there's been other haulers that have been opportunistic that just call around and say, "Hey, how about ten bucks?" you know, or whatever, and they low-ball them, and people switch because they think that if we do move forward and hand out percentages of share, I'll call it, you know, market share, they'll benefit in the long run, because they'll have — you know, they'll have taken in hundreds of customers while this is going on.

So I just think that there's other cities we can go to, ask the right questions, get the haulers, put together a list of questions, you know, what are your numbers? And we need to understand it's a — it's mandated by the state legislature, right, so the state legislature has said, "Here's the process you have to go through," and I think we have to look at past experience and learn from the other cities and the other organizations that have been involved with these things to make a well thought-out approach so we're not saying, "Oh, I don't know, you know, it's going to take us a long time, and —"

**City Manager McDonald**

But I think the other cities have followed the process in the state statute.

**Council Member London**

Yeah, you have to.

**City Manager McDonald**

And that's what we're suggesting.

**Council Member London**

Right. Right. Oh, yeah. That's what I expected to do here too. I mean, I've always been trying to say to people, "This is mandated by the state legislature. It's not that we're just grabbing, you know, some government overthrow. No, no, no. We're following a procedure. There's a reason."

**City Attorney**

Well, organized collection is mandated by the legislature. It's up to the cities to determine whether they're going to go down the path of organized collection, and I guess what Kirk and I

are and the staff are suggesting is we'll be — I agree with Council Member London. We get the haulers into the room, and we can get the answers, but they need to know that we're going down the path. I wouldn't want us to implement the procedure, and then after the 60 days say, "Well, oh, I guess we changed our mind." That might be — that might put us in a worse situation than if we decided to either maintain the current system the way it is or decide, no, we're going to go to organized collection under the state mandated procedure, and the first step is before we — before the City basically takes over under that procedure, we're going to allow the haulers a chance to negotiate with the City and come up with the kind of arrangement as, let's say, St. Anthony has.

**Mayor Hemken**

Can we give those haulers the list of things that are needed? Like are you going to have yard waste collection?

**City Manager McDonald**

We're going to do that the first thing.

**City Attorney**

Well, yeah, sure.

**Mayor Hemken**

So if they gave us — what if they gave us unsatisfactory answers to those questions?

**City Attorney**

Well, then the haulers would be looking at being — losing their contracts and us going to an organized collection system. You'll recall, if we don't come up with an agreement after the 60 days, and it doesn't — I think it can be extended beyond 60 days, but if we don't come up with that agreement, then we move to the third tier, and, you know, we arguably appoint an options committee that would study organized collection within the City, and the haulers would have lost control of their own situation, and the City would be, then, following the state mandated procedure to implement organized collection that may result in one or two or many fewer haulers than the current seven that are currently collecting garbage in the City of New Hope.

**Mayor Hemken**

You know, what, it is not our intent to get rid of any of the haulers that we currently have. It's not our intent to bait and switch. I understand there's another piece of information that came out of Roseville about baiting and switching. We're not trying to do that. We're trying to do something green and reasonable and save our streets and save people some money. When I talked to Eric, who lives in an area that has one garbage hauler, his bill is considerably lower, and he's happy as a lark with the way — I mean, there's one truck that goes through, and he's — it works, and there's lots of little pockets in the City that are doing this, but I think somebody is sending out false information, and people are calling with — it's obvious to me they don't have the right information.

**Council Member Lammle**

First, right after the pool meeting, we talked to some of the folks that were there, and they just said as a sideline — a side for a 50-meter pool — heard that, heard that pretty clear, and they said a 50-meter pool again, and then they said, “Well, that organized collection, that really stinks. You guys shouldn’t do that. I mean, I’d be okay with two or three, but not an organized system.”

**Mayor Hemken**

Yeah.

**Council Member Lammle**

They don’t understand what we’re talking about. If I were to — and I think that the important part is that we have to remember that if anything happens on this Council, we have to come to three most of the time for anything to happen, sometimes four. And I made it clear at our last meeting that if the vote were held today based on the facts that we have, that vote would be treated two against, but what I’m hearing here is that if the vote were to — “Hey, we want to know more,” I think that goes three to two the other way or at least three the other way.

One thing that really cleared it up for me was kind of my response to a person — Mr. — the gentleman that spoke to us at our last meeting, sent the email saying, “You’d better get your facts on that garbage collection.” Well, yeah, we’d better get the facts on the garbage collection before we make a decision. And then I think the City engineers and the whole — that 78 percent of our roads are not up to the 10-ton standard, so we know how those handle trucks. If — anybody who lives up on 49<sup>th</sup> knows, and if anyone wants to say that the garbage trucks that are large trucks, especially ones that come at least every week, don’t affect roads, look at what 49<sup>th</sup> was before we made it a 10-ton standard. If we don’t — and one of the things that I’d also like to note before we get the haulers to the table, would be 70 percent of our roads are not up to a 10-ton standard. How do we — how are we paying to accommodate the only thing that’s damaging the most, the trash trucks? So I would also direct — I believe that’s right now part of the haulers’ discussion, but that might be part of a staff discussion regarding potential franchise fees passed on to the haulers for operating on the streets that we’ve paid for.

So, yeah, I think we — you know, we’ve got a real issue, and I think we started back a few steps, because somebody was saying lies about what we were doing and then spreading inaccurate information. I don’t pay any non-residents to influence the decision of our citizens, so I would like to go forward with that, bring the haulers to the table and start that process. I do understand some delay in it with some of the other things going on. I think if we haven’t mentioned this by the time filing happens in 2018, we’ve waited way, way too long, but I will be realistic. I understand how long the process takes and that there will be an election sometime during this process, even if we were to start it today —

**Mayor Hemken**

Is it —

**Council Member Lammle**

— at the rate that it goes, because there's at least a six-month implementation period, assuming everything goes great, and that's assuming that somehow we convince one other Council member to change their mind.

**Mayor Hemken**

Is there a way, Jeff, that we can get some of these answers before?

**Community Development Assistant Alger**

Most of them we cannot get answers to without exact — you know, if you're looking for the exact amount someone's going to be paying for their garbage, that's going to come down to negotiation [inaudible].

**Mayor Hemken**

Well, what I'm looking for more is what do I say to the person that calls and says, "Well, I've got yard waste pick-up now. Am I going to have it then?"

**Community Development Assistant Alger**

We don't know the answer to that.

Again, that would be negotiated.

**Mayor Hemken**

Don't know the answer to that, okay. So —

**Community Development Assistant Alger**

So as I mentioned, there's no reason for the haulers to give us that information unless we're —

**Mayor Hemken**

Can you get that from like St. Anthony or Champlin or —

**Community Development Assistant Alger**

You know, the thing is, each of these contracts is different. Some cities bill in-house, some cities bill — you know, have the haulers bill. Some cities offer yard waste, some cities don't, so it's all going to depend on how that contract reads, so it's —

**City Attorney**

Yeah, we could certainly negotiate with the haulers to require them to pick up yard waste, but as Jeff was pointing out, and one of the questions I had, what are the same haulers — are the same haulers hauling in St. Anthony that would be hauling in New Hope? And the answer to that is no, they're not. So, you know, while the cost would be, I think, somewhat equivalent, you don't have the same providers providing the services in St. Anthony, as an example, that you do in New Hope.

As an example, I think Randy's is one of the biggest haulers in New Hope. They don't provide service in St. Anthony. So certainly when you get the haulers to the table, the haulers that we have, the largest haulers, will probably be, you know, dictating what their costs would be and what the charges would be and the type of service that they're going to provide and the other stuff that they're going to provide as a part of the negotiated package to the City. So, yeah, you'll have — I'm sure we can estimate stuff, but we're not going to be able to be held to a certain, "Well, it's going to be this amount of money," and to allow the Council to be able to say to the constituents, "You know, this is what it's going to cost you." Well, it has to be in a range. I mean, we're not going to be able to guarantee that until we actually see the contract.

**Mayor Hemken**

Even a range would be helpful. Even the fact that a —

**City Attorney**

We can do that. I'm sure we can [unintelligible], but I shouldn't speak for John, because he's — he'll be carrying the [unintelligible] warrant [phonetic].

**Mayor Hemken**

I would think if we could get a range so that we can start telling — because what's happening now is they're starting to get these letters again, and the people that are getting them don't — are confused. And some of them are angry that they're getting them, by the way, and so they call me and ask me why I sent them out. I didn't send them out. I tell them who did, and then after talking to them, they calm down, and, "Well, okay. What about my yard waste? What about, what about —?" And I don't have the answers to that, but to be able to say that that's a negotiated item —

**City Manager McDonald**

It is.

**Mayor Hemken**

Yes, I mean, at least I can say that, and that makes more sense than, "I don't know."

**Community Development Assistant Alger**

I mean, we can certainly offer our estimated range, looking at what other organized cities are — you know, how their contracts read, but, again, each contract's going to be different depending on the size of the city, number of residents, you know, number of haulers.

**City Attorney**

And the length of the contract.

As I recall, it's a three- to seven-year contract, so depending on what you're —

**Mayor Hemken**



That was the other question they were asking, what if they don't like the service they're getting? So just a vague answer for us. Our phones are ringing a lot, and we need some sort of answer, even if it's sort of vague, but right now we don't —

**City Attorney**

Well, if they don't like the service they're getting, then there needs to be some sort of complaint process set up, but they're not going to be able to change haulers.

**Mayor Hemken**

But we do want them to be able to have some say, where they can say, "This hauler is not doing a good job," and, "Can you help us?"

**Community Development Assistant Alger**

Yeah, I mean, if somebody — they miss your service for a week, some cities have a staff liaison that is contacted by the residents, and then they work directly with the appropriate people for each of the haulers. That's one way that the City could go about it that would require a minimal amount of staff time, plus there's a little bit of a buffer for quality control there if that's how the Council wants to do it.

**Mayor Hemken**

And I'm assuming you could put something into a contract that says — sort of like the paper — if you don't get it for three days and you call and have a little chat with the deliverer —

**City Manager McDonald**

A complaint process, but I'll be interested in the agreement that we would work out with the haulers, just like it is in St. Anthony. So to go back to the original question, do you want staff to develop a schedule to implement the statutory process to try to get the answers to all your questions? That's what we're asking you.

**Mayor Hemken**

Well, I'd say yes, and I know that Andy is saying he wants John here —

**Council Member Hoffe**

Right.

**Mayor Hemken**

— but I think even —

**City Manager McDonald**

We'll work on a staff level on a timeline for a process, and we'll share it with you, and, of course, one other thing that we said in here is that, you know, we agreed that we would keep the public well informed on this topic, so when it does come to a Council meeting, we will want to advertise that in advance so we're being very transparent.

**Mayor Hemken**

You know, it might be helpful to put something on our new website that talks about the whole process of where we were and why we're doing this and trying to get answers and —

**City Manager McDonald**

The website is [inaudible].

**Mayor Hemken**

Yeah, but someplace that we — that people can go and look now.

**City Manager McDonald**

We can put it on our website.

**Mayor Hemken**

Yeah, even if it says something as vague as we're looking at this to get the answers to these questions. These are the questions that were asked, and we're trying to get answers to these questions. I honestly don't think that staff can do anything between now and the end of the year, and I don't think this is political. I mean, I don't think it has anything to do with the election. I think it has everything to do with where we are in our bonding and the new City Hall.

**City Manager McDonald**

We will see.

**Council Member London**

Madam Mayor, if I could —

**Mayor Hemken**

Yeah?

**Council Member London**

I just have to publicly chastise Council Member Elder, who I think misses — I think if we were to go back and really look, he misses at least 10 percent of the meetings, okay? He said he was going to be here at the beginning of the meeting. I don't know where he is. This could be intentional, or it may not be, but we've had to adjust the work schedules numerous times. This would be the second time we have to adjust things for Council Member Elder's absence, okay? And like I said, I bet you in the three years or two years, whatever it is, that we've been elected, we could go back and find numerous absences, and so I really — I dislike the fact that we're making another adjustment for his absence.

**Council Member Hoffe**

I'd like to restate the fact that I'm sure he has a good reason for not being here, and his input is important, and to go back to what Council Member Lammle said, we are not against organized groups within — like yours, doing this on their own if that's working out successfully. We're not saying they can't do that. We have not said they can't do that. And it's not just garbage

trucks going on 49<sup>th</sup> to cause all those problems, because there are a lot of police stopping a lot of trucks that were going on —

**Mayor Hemken**

Well, and I think you guys are missing the timeframe. Here it is the middle of October, it doesn't matter whether John's here or not, quite frankly.

**Unidentified Speaker**

That's right.

**Mayor Hemken**

The three of us have indicated to Kirk that we would like to at least see a schedule. He's not going to call the haulers. What he's going to do is give us a proposed schedule. We're going to look at that in whatever — a month, however long it takes you, but we're going to look at that at that time and see if —

**Council Member Hoffe**

We're not bringing the haulers in, though?

**Mayor Hemken**

No. No, No. That can't happen until after the first of the year.

**City Attorney**

We're not giving out the notice — we're not —

**Mayor Hemken**

Well, [inaudible] —

**City Attorney**

We're not deciding on a notice [inaudible].

**Mayor Hemken**

The guy's got the camera here, so he's recording what we're saying.

**City Attorney**

Right.

**Mayor Hemken**

Yeah.

**City Attorney**

Yeah, we're not providing notice yet to the citizens or the haulers that we're even starting the legislative procedure yet. That's what we're going to bring back for the City — to the Council.

**Mayor Hemken**

A proposal. So did you get what you need?

**City Manager McDonald**

Yes, I did.

**Mayor Hemken**

Okay. We're going [inaudible]. All right. Thank you. Let's move on to —

[END OF DISCUSSION]